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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/567,833	02/10/2006	Tomoyuki Koike	0369100116	2088

22428 7590 05/18/2007  
FOLEY AND LARDNER LLP  
SUITE 500  
3000 K STREET NW  
WASHINGTON, DC 20007

EXAMINER
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REGO, DOMINIC E

ART UNIT	PAPER NUMBER
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2618

MAIL DATE	DELIVERY MODE
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05/18/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/567,833	Applicant(s) KOIKE ET AL.	
	Examiner Dominic E. Rego	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>05/10/06 and 02/10/06</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 7 and 8 are objected to because of the following informalities: Page 5, line 10 and page 6, line 5, Applicant put period (.) instead of semi-colon (;) or coma (,). Appropriate correction is required.

### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 18 and 19 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Computer programs claimed as computer listings per se, i.e., the descriptions or expressions of the programs are not physical "things." They are neither computer components nor statutory processes, as they are not "acts" being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer which permit the computer program functionality to be realized. In contrast, a claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program's functionality to be realized, and is thus statutory. See Lowry, 32 F.3d at 1583-84, 32 USPQ2d at 1035.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 18 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Refer to the limitations in claim 18, "An information processing program causing a computer to serve as the information processing device" and in claim 19, "An information processing program causing a computer to execute the information processing method". Claim 18 is program claim, which refers back to device, while claim 19 is method referring back to device. The metes and bounds of the claims are not clear. Appropriate correction/clarification is required.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Kurihara et al. (Japanese Application Publication #2000-213503).

**Regarding claim 1**, Kurihara teaches an information processing device, installed to a traveling object, which performs wireless communications with a sensor (See Abstract), comprising:

sensor information obtaining means for obtaining sensor information that the sensor outputs (Paragraphs 0006,0023-0025);

storage means for storing the sensor information (Paragraphs 0006, 0008,0016,0024,0040);

positional information obtaining means for obtaining positional information determining a position of the information processing device (Paragraphs 0006-0013), 0042; and

processing means for executing predetermined processing on the basis of the sensor information and the positional information (Paragraphs 0006-0017).

**Regarding claim 2**, Kurihara teaches the information processing device, further comprising communication means for performing wireless communications with another information processing device which manages the sensor information of the sensor (Paragraphs 0022-0026), wherein the processing means, when having determined that a value of the sensor information has exceeded a predetermined threshold value for equal to or more than a predetermined time, transmits information indicating abnormality to the other information processing device through the communication means (Paragraphs 0014,0015,0031-0033,0051,0052,0055,0058,0059).

**Regarding claim 3**, Kurihara teaches the information processing device, wherein after having determined that the value of the sensor information has exceeded a predetermined threshold value for equal to or more than a predetermined time, the processing means, when having determined that the value of the sensor information has become the threshold value or less, transmits information indicating recovery to normal to the other information processing device through the communication means (Paragraphs 0014,0015,0031-0033,0051,0052,0055,0058,0059).

**Regarding claim 4**, Kurihara teaches the information processing device, wherein the communication means performs the wireless communication in a packet switching system (Paragraphs 0035,0045).

**Regarding claim 5**, Kurihara teaches the information processing device, wherein the communication means is a mobile phone (Paragraph 0022).

**Regarding claim 6**, Kurihara teaches the information processing device, wherein: the processing means determines (i) whether or not a position indicated by the positional information, which has been obtained by the positional information obtaining means, is near a destination of the traveling object, and (ii) whether or not the sensor information matches a predetermined content (Paragraphs 0006-0013, 0034-0036); and the storage means, when the processing means has determined that the position indicated by the positional information, which has been obtained by the positional information obtaining means, is near a first destination of the traveling object, and that the sensor information matches a predetermined first content, stores determination time together with the sensor information of the sensor at the determination time (Paragraphs 0006-0013,0024, 0034-0036,0040-0043).

**Regarding claim 7**, Kurihara teaches the information processing device, further comprising communication means for performing wireless communications with another information processing device which manages the sensor information of the sensor, wherein the processing means when having determined that a value of the sensor information has exceeded a predetermined threshold value for equal to or more than a predetermined time, transmits information indicating abnormality to the other information

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processing device through the communication means, wherein the communication means transmits the time and the sensor information to the other information processing device when the traveling object has traveled a predetermined distance (Paragraphs 0014,0015,0031-0033,0051,0052,0055,0058,0059).

**Regarding claim 8**, Kurihara teaches the information processing device, further comprising communication means for performing wireless communications with another information processing device which manages the sensor information of the sensor, wherein the processing means, when having determined that a value of the sensor information has exceeded a predetermined threshold value for equal to or more than a predetermined time, transmits information indicating abnormality to the other information processing device through the communication means, wherein the communication means further transmits the time and the sensor information stored in the storage means to the other information processing device by a short-range wireless communication, when the processing means has determined that (i) the position indicated by the positional information, which has been obtained by the positional information obtaining means, is near a second destination of the traveling object and (ii) the sensor information matches a predetermined second content (Paragraphs 0014,0015,0031-0033,0051,0052,0055,0058,0059).

**Regarding claim 9**, Kurihara teaches the information processing device, wherein the traveling object transports a package (*Paragraph 0021: Since the conveyance car 2 is equipped with the cold storage 8 and the freezer compartment 9, it carries package to transport to another destination*).

**Regarding claim 10**, Kurihara teaches the information processing device, wherein the sensor outputs temperature information of the package as the sensor information (Paragraphs 0022-0027).

**Regarding claim 11**, Kurihara teaches the information processing device, wherein the sensor outputs vibration information of the package as the sensor information (Paragraphs 0022-0027, 0049-0051).

**Regarding claim 12**, Kurihara teaches the information processing device, wherein the traveling object is a truck and the sensor is installed in a container of the truck (Paragraph 0056).

**Regarding claim 13**, Kurihara teaches an information processing system including the information processing device and another information processing device, wherein the other information processing device uses the sensor information as quality management information of the package (Paragraphs 0013,0035,0045).

**Regarding claim 14**, Kurihara teaches a vehicle being provided with the information processing device, the vehicle serving as the traveling object (Paragraphs 0021,0047).

**Regarding claim 15**, a vehicle including a container keeping a loaded package at a constant temperature (Paragraph 0056), comprising:

a sensor, installed inside the container, which measures a temperature and outputs sensor information indicating the temperature measured (Paragraphs 0023-000026); and



a mobile wireless terminal, installed near a driver seat of the vehicle, which communicates with the sensor by wireless so as to obtain the sensor information of the sensor, the mobile wireless terminal transmitting the sensor information, which has been obtained by the mobile wireless terminal, to an information processing device by wireless communication (Paragraphs 0006-0013,0023-0026).

**Regarding claim 16**, Kurihara teaches an information processing method of an information processing device, installed to a traveling object, which performs wireless communications with a sensor (See Abstract), the information processing method comprising:

a sensor information obtaining step of obtaining sensor information that the sensor outputs (Paragraphs 0006,0023-0025);

a storing step of storing the sensor information (Paragraphs 0006, 0008,0016,0024,0040);

a positional information obtaining step for obtaining positional information determining a position of the information processing device (Paragraphs 0006-0013, 0042); and

a processing step for executing predetermined processing on the basis of the sensor information and the positional information (Paragraphs 0006-0017).

**Regarding claim 17**. An information processing method of an information processing device, installed to a traveling object, which processes sensor information that a sensor outputs (See Abstract), the information processing method comprising:

a sensor information obtaining step of obtaining the sensor information that the sensor outputs (Paragraphs 0006,0023-0025);

a storing step of storing the sensor information (Paragraphs 0006, 0008,0016,0024,0040); and

a wireless transmission step of transmitting the sensor information stored in the storing step by wireless to another information processing device, according to a position of the information processing device (Paragraphs 0022-0026).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurihara et al. (Japanese Application Publication #2000-213503).

**Regarding claim 18**, as best understood in 101 rejection, Kurihara does not specifically teach an information processing program causing a computer to serve as the information processing device, but in paragraph 0006, Kurihara teaches the physical distribution management system same as an information processing device has a storage means memorize the mobile information about the mobile in which a conveyance article is carried, a means generate the positional information about the

location of a mobile, a means generate the temperature information about the temperature of a conveyance article, and the control means equipped with the function with transmits and receives data by radio communication between the exteriors and it makes a control means output these mobile information, positional information, and temperature information outside by radio communication, so it's obvious that the information processing program causing a computer to serve as the physical distribution management system same as the information processing device according to claim 1.

**Regarding claim 19**, as best understood in 101 rejection, Kurihara teaches does not specifically teach an information processing program causing a computer to execute the information processing device, but in paragraph 0006, Kurihara teaches the physical distribution management system same as an information processing device has a storage means memorize the mobile information about the mobile in which a conveyance article is carried, a means generate the positional information about the location of a mobile, a means generate the temperature information about the temperature of a conveyance article, and the control means equipped with the function with transmits and receives data by radio communication between the exteriors and it makes a control means output these mobile information, positional information, and temperature information outside by radio communication, so it's obvious that the information processing program causing a computer to execute the physical distribution management system same as the information processing device according to claim 16.

**Regarding claim 20**, Kurihara teaches does not specifically teach a computer-readable storage medium storing the information processing program, but in paragraph

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0006, Kurihara teaches the physical distribution management system same as an information processing device has a storage means memorize the mobile information about the mobile in which a conveyance article is carried, a means generate the positional information about the location of a mobile, a means generate the temperature information about the temperature of a conveyance article, and the control means equipped with the function with transmits and receives data by radio communication between the exteriors and it makes a control means output these mobile information, positional information, and temperature information outside by radio communication.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dominic E. Rego whose telephone number is 571-272-8132. The examiner can normally be reached on Monday-Friday, 8:30 am-5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 571-272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

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USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Dominic E. Rego



5/14/07

PHILIP J. SOBUTKA  
PATENT EXAMINER